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15

16 **IN THE UNITED STATES DISTRICT COURT**
17 **FOR THE DISTRICT OF ARIZONA**

18 United States of America,)

No.

19 Plaintiff,)

20 vs.)

21 The State of Arizona;)
Janet Napolitano, Governor of)
22 the State of Arizona;)
The Arizona Department of)
23 Juvenile Corrections, Michael)
Branham, Director;)
24 Joseph Jericho, Superintendent,)
Adobe Mountain School;)
25 Judy Dyess, Superintendent,)
Black Canyon School;)
26 Manuel Lopez, Superintendent,)
Catalina Mountain)
27 School,)

28 Defendants.)

**JOINT MOTION FOR
CONDITIONAL
DISMISSAL**

1 The United States, Plaintiff, and the State of Arizona,
2 et al., Defendants, have determined that the interests of
3 all concerned parties can best be served by entering into
4 the Memorandum of Agreement attached as Exhibit A to this
5 Motion, concerning the implementation of needed improvements
6 in the operation of Adobe Mountain School, Black Canyon
7 School and Catalina Mountain School, three juvenile justice
8 facilities operated by the Arizona Department of Juvenile
9 Corrections. In recognition of these interests and to avoid
10 adversarial litigation, the parties jointly move this Court
11 for entry of an Order conditionally dismissing this action,
12 pursuant to Fed. R. Civ. P. 41(a)(2), conditional upon
13 Defendants' achieving compliance with the terms of the
14 Memorandum of Agreement.

15 The parties respectfully request that the Court place
16 the case on its inactive docket while retaining jurisdiction
17 over the case until a final dismissal with prejudice is
18 entered.

19 DATED this 15th day of September, 2004.

21 Respectfully submitted,

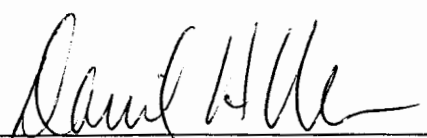
22 FOR THE UNITED STATES:

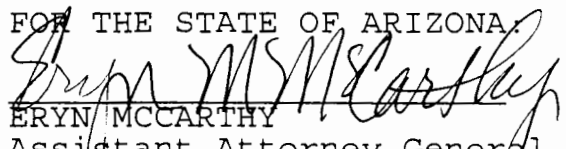
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